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~~a second capsule including a third plurality of particles having a second optical property and a fourth plurality of particles having a third optical property; wherein the element presents a visual display in response to the application of an electrical signal to at least one of said first capsule and said second capsule; and wherein a white visual display is provided by at least said first plurality of white particles.~~

REMARKS

Applicants wish to thank the Examiner for his helpful suggestions and recommendations during the telephonic interviews of September 10, 2001 and September 25, 2001. Applicants have amended claim 38 in accordance with the Examiner's suggestions. Consequently, Applicants respectfully submit that the claim 38 and the claims that depend therefrom, claims 39-60, are in condition for allowance.

Amendments to the Claims

Applicants have amended claim 38 to require,

A multichromatic electrophoretic display element... wherein a white visual display is provided by at least said first plurality of white particles.

These amendments add no new matter. For example, support for the multichromatic electrophoretic display element is found at least at page 5, lines 14-21; page 15, lines 23-28 and page 16 lines 1-3 of the specification as filed. Support for at least a first plurality of white particles that provide the white visual display is found at least at page 15, lines 11-28; page 16, lines 12-28; page 18, lines 4-28; page 19, lines 1-3; page 29, lines 21-28 and page 30, lines 1-21 of the specification as filed. After entry of this amendment, claims 38-60 will be pending in the present application. In accord with 35 U.S.C. § 1.121, attached are a marked up copy of the claim amendments and a clean copy of all pending claims.

Rejections under 35 U.S.C. § 103 (a)

Claims 1-21 were rejected under 35 U.S.C. § 103 (a) as unpatentable over U.S. Patent No. 5,961,804 to Jacobson *et al.* ("Jacobson"). Without acquiescing to the rejection, Applicants have canceled without prejudice claims 1-21. As a result, Applicants respectfully submit that the rejection of claims 1-21 is now moot.

Claims 38-60 were also rejected under §103 (a) as being unpatentable over Jacobson.

Applicants' amended claim 38 requires,

A multichromatic electrophoretic display element comprising: a first capsule including a first plurality of white particles... wherein a white visual display is provided by at least said first plurality of white particles.

Applicants respectfully submit that Jacobson fails to teach or suggest a multichromatic electrophoretic display element comprising a first capsule including a first plurality of white particle wherein a white visual display is provided by at least said first plurality of white particles. Accordingly, Applicants respectfully submit that amended independent claim 38, and claims 39-60 that depend therefrom, are in condition for allowance.

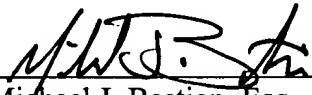
CONCLUSION

Based on the above amendments and remarks, Applicants respectfully submit that claims 38-60 are in condition for allowance. If, in the Examiner's opinion, a telephonic interview would serve to clarify issues and expedite the favorable prosecution of the present application, the undersigned attorney would welcome the opportunity to discuss any outstanding issues, and to work with the Examiner toward placing the application in condition for allowance.

Respectfully submitted,

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MARKED UP COPY OF CLAIM AMENDMENTS

- 1 38. (Amended) A[n] multichromatic electrophoretic display element comprising:
2 a first capsule including a first plurality of white particles and a second plurality of
3 particles having a first optical property visually different from white; and
4 a second capsule including a third plurality of particles having a second optical
5 property and a fourth plurality of particles having a third optical property;
6 wherein the element presents a visual display in response to the application of an
7 electrical signal to at least one of said first capsule and said second capsule; and
8 wherein a white visual display is provided by at least said first plurality of white particles.